



General Assembly

Distr.
GENERAL

A/C.3/48/3
27 October 1993

ORIGINAL: ENGLISH

Forty-eighth session
THIRD COMMITTEE
Agenda items 107 and 108 (a)

ELIMINATION OF RACISM AND RACIAL DISCRIMINATION

RIGHT OF PEOPLES TO SELF-DETERMINATION

Letter dated 26 October 1993 from the Chargé d'affaires a.i. of the
Permanent Mission of Yugoslavia to the United Nations addressed to
the Secretary-General

I am writing to you concerning the statement made by the representative of Albania in the Third Committee on 15 October 1993 on the agenda items "Elimination of racism and racial discrimination" and "Right of peoples to self-determination". Regarding the part of the statement referring to the alleged violations of the rights of the Albanian national minority in Kosovo and Metohija, upon instructions from my Government I have the honour to state the following.

The prevailing situation in the Autonomous Province of Kosovo and Metohija is complex and burdened with numerous problems. However, the major part of the statement of the representative of Albania in the Third Committee does nothing to shed any light to expose their essence. The statement also contains a series of untrue allegations and qualifications.

Pursuant to the Constitution of the Republic of Serbia, the Albanian population in Kosovo and Metohija, as a national minority within the Federal Republic of Yugoslavia, is equal in its rights and duties to all other citizens of the Republic. Under the Constitution, Kosovo and Metohija enjoys the status of autonomous province with territorial and cultural autonomy. Those aspects of autonomy are granted to the province of Kosovo and Metohija as an entity and not to the Albanian national minority. Therefore, all members of the Albanian national minority are entitled, within this entity, to all minority rights provided for by international legal acts and principles and by the Constitution of the Republic of Serbia, which unreservedly affirms those principles.

The allegation that the Albanian population in Kosovo and Metohija is "totally prevented from the social life" is absolutely untrue. What is evident is that, under the mounting pressure of separatists, the Albanian population is exercising self-imposed exclusion and is boycotting the legitimate authorities.

The allegation that information in the Albanian language has been abolished can be dismissed easily by the fact that there are seven daily newspapers and weekly magazines that come out freely across Kosovo and Metohija in the Albanian language. Those are funded by private Albanian sources without any interference by the State or any other authorities of the Republic of Serbia regarding their editing policies or circulation (95,000 copies). There are also 14 hours of radio and television programmes in the Albanian language on a daily basis.

The allegation that the Albanian population is prevented access to health care is absurd. Out of a total number of employees in the public health-care institutions in this Province, the Albanians represent 71 per cent. Furthermore, out of a total number of patients treated in those institutions, 81 per cent are Albanians. This figure almost fully reflects the demographic structure in the province, i.e. the share of the Albanian population. According to official data, ethnic Albanians account for 84 per cent of the Province's total population, not 92 per cent as the Albanian representative alleged in his statement.

In the field of education, all citizens of Albanian nationality are entitled to education in their own language. It is a fact that many Albanians withdraw their children from public schools but they are certainly not doing that for lack of education in their own language but because they boycott the legal educational programmes and institutions of the Republic of Serbia. There are as many as 966 elementary schools where education is conducted or guaranteed in the Albanian language. It is an inalienable right of each State to have a uniform education system in its whole territory on the basis of the valid curricula. What lies behind the unfounded accusation that in Kosovo and Metohija education was prevented in the Albanian language is obviously an attempt to establish in this Province an illegal educational system independent from the Republic of Serbia, in order to facilitate the policy of secession.

Fully aware of the sensitivity of the problems in the field of education, the Government of the Republic of Serbia recently offered to the representatives of the Albanian national minority to prepare draft education programmes to be subsequently verified by the competent Republic authorities. That proposal was also rejected, evidently because the Albanian representatives are committed to total exclusion of the Albanian minority from the Republic of Serbia in this area and in other areas as well.

The United Nations should be engaged more efficiently in the resolution of the problems in Kosovo and Metohija, but least of all in the way envisaged and advocated by the Albanian side. The role of the United Nations should be to separate clearly the human rights problems in Kosovo and Metohija from illegitimate demands by the Albanian national minority directed against the territorial integrity of the Republic of Serbia and the Federal Republic of Yugoslavia based on the plans for the creation of the so-called Kosovo Republic.

The right of peoples to self-determination is truly indivisibly linked with the generally accepted values by the international community but it can under no criteria be granted to a national minority, including the Albanian one in the Federal Republic of Yugoslavia. The attempt to acquire such a status with the assistance of international public and international organizations represents not only flagrant violation of the norms of international law but callous

manipulation and twisting of historical facts. Kosovo and Metohija, as an entity or a geographical term, has never been a part of the Albanian State. It has always been an integral part of the Serbian State territory or was under the rule of foreign conquerors. Moreover, until recently, the Serbian population in the region was predominant. However, after the Second World War this balance was changed to the detriment of the Serbian population. In that period, owing to ethnic cleansing as well, the percentage of the Serbian population dropped from 45 per cent to a mere 10 per cent today.

The Yugoslav crisis has emerged owing to the disintegration of the former Yugoslavia, but not because it was "an artificial entity". This was rather due to the secessionist policies pursued by four out of six of the former republics, with assistance from abroad. The Albanian separatists' attempt to portray Kosovo and Metohija as a constituent element of the former Yugoslav federation is not in accordance with historical facts. Even in the 1974 Constitution, this province was an integral part of the Republic of Serbia and thus could not possibly be a constituent part of the federal State. Since 1989, the Province of Kosovo and Metohija has undergone major institutional changes. However, its autonomous status has not been brought into question, then or now. In that year, Kosovo and Metohija was deprived of the parastatal attributes that this Province acquired under the 1974 Constitution. The sole reason for such a move was to prevent extreme Albanian nationalism - in the period of general democratization of the country in the post-communist era - from embarking upon the path of secession.

However, the individual rights of ethnic Albanians, or their collective rights stemming from their status of national minority, were not in any way jeopardized.

Instead of lamenting over their fate, which has objectively in no way been threatened, the international community would do best to exert a more energetic influence on the members of the Albanian minority in Kosovo and Metohija, to give up for good their goals that have no international legal justification. Most questionable of all those goals is precisely the realization of the right to self-determination, to which the Albanian national minority is not entitled. Even if in the background of such a goal there was not an open tendency towards secession, it would have been inadmissible from the point of view of international law. In that regard, invoking the results of the 1991 Albanian referendum conducted in Kosovo and Metohija, as a test of the will of its citizens, does not have any legal or political basis. This referendum violated, inter alia, the Constitution of the Republic of Serbia as well as international documents on the rights of national minorities. It is totally absurd to talk about the occupation regime in the Republic of Serbia and the military occupation of Kosovo and Metohija, since no country in the world can possibly occupy its own territory.

On the contrary, speaking of violent methods for achieving political ends, it is the Albanian extremists that resort to them, as can be seen from their repeated attacks on the law enforcement officers and the Army of Yugoslavia. For its part, the units of the Army of Yugoslavia stationed in Kosovo and Metohija successfully maintain peace in the Province and the stability in the region without any discriminatory actions towards anyone, as is evidenced in the report of the fact-finding mission of the Conference on Security and Cooperation

in Europe (CSCE). The law enforcement officers do not terrorize the Albanian population. They maintain law and public order and prevent crime, resorting to force only in self-defence.

In assessing the situation in Kosovo and Metohija, one has to bear in mind that the basis for the realization of the rights of national minorities in the first place is their loyalty towards the country in which they live. That is also the major premise of all international documents that regulate this matter. However, a large portion of the Albanian national minority in Kosovo and Metohija persistently resorts to methods of civil disobedience. They boycotted the census and the elections that would have enabled them to enjoy their rights and fulfil their duties through legal bodies and institutions.

It is important to emphasize that the international community should rein in Albanian secessionism in Kosovo and Metohija as soon as possible. As long as hopes simmer in the hearts of the secessionists for the fulfilment of illegal secession, it is difficult to expect that they will give up their goals. Thus, the solutions to the problems in this Province will be postponed indefinitely. The only way to overcome this crisis is the unconditional renouncing of those goals and the Albanian minority's subsequent incorporation in the social and political life of the Republic of Serbia. The Federal Republic of Yugoslavia expects more active support from the United Nations in that respect.

I should be grateful if you would have the present letter circulated as a document of the General Assembly under agenda items 107 and 108 (a).

(Signed) Dragomir DJOKIC
Chargé d'affaires a.i.
